



## 2010 CHAPTER 10

### PART 3

#### FELLING OF TREES

##### *Restriction of felling*

##### **Requirement of licence for felling**

**15.—**(1) Subject to subsection (2), a person shall not fell trees growing on land of 0.2 hectares or more in area unless a licence granted by the Department under this Part (“a felling licence”) is in force authorising the felling.

(2) Subsection (1) does not apply to—

- (a) the felling of trees with a diameter not exceeding 8 centimetres or, in the case of coppice or underwood, with a diameter not exceeding 15 centimetres;
- (b) the felling of fruit trees;
- (c) the felling of trees on land comprised in an orchard, garden, churchyard or on open space used (otherwise than in pursuance of Part 3 of the [Access to the Countryside \(Northern Ireland\) Order 1983 \(NI 18\)](#)) for the purpose of public recreation;
- (d) the topping or lopping of trees or the trimming or laying of hedges;
- (e) the felling by any person of trees on land occupied by that person or by a tenant of that person—
  - (i) where the trees have a diameter not exceeding 10 centimetres and the felling is carried out in order to improve the growth of other trees; or

- (ii) where the aggregate cubic content of the trees which are felled by that person without a licence (exclusive of trees to whose felling subsection (1) does not apply) does not exceed 5 cubic metres in any quarter;
  - (f) the felling of trees for the prevention of danger or the prevention or abatement of a nuisance;
  - (g) the felling of a tree in compliance with any obligation imposed by or under any statutory provision (including a provision of this Act);
  - (h) the felling of a tree carried out by, or at the request of, an electricity undertaker, because the tree is or will be in such close proximity to an electric line or electrical plant which is kept installed or is being or is to be installed by the undertaker as to have the effect mentioned in paragraph 14(1)(a) or (b) of Schedule 4 to the [Electricity \(Northern Ireland\) Order 1992 \(NI 1\)](#);
  - (i) the felling of a tree where the felling is immediately required for the purpose of carrying out development authorised by planning permission;
  - (j) the felling by statutory undertakers of a tree on land in their occupation which obstructs the construction of any works required for the purposes of the undertaking by those undertakers, or of a tree which interferes with the maintenance or operation of any works vested in those undertakers;
  - (k) the felling of trees by a government department;
  - (l) the felling of a tree which requires the consent of the Department of the Environment under the provisions of a tree preservation order;
  - (m) the felling of a tree to which Article 66B of the [Planning \(Northern Ireland\) Order 1991 \(NI 11\)](#) applies (trees in conservation area).
- (3) Any person who fells trees in contravention of this section commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale or twice the sum which appears to the court to be the value of the trees, whichever is the higher.
- (4) Regulations may—
- (a) make provision as to the calculation of the area of any land for the purposes of subsection (1);
  - (b) amend subsection (2), whether by amending or removing an existing exemption or adding a new exemption.
- (5) In this section—
- “electricity undertaker” means a licence holder within the meaning of Part 2 of the Electricity (Northern Ireland) Order 1992 by whom the powers conferred by paragraph 14 (tree lopping) of Schedule 4 to that Order are exercisable;

“electric line” and “electrical plant” have the same meanings as in Part 2 of the Electricity (Northern Ireland) Order 1992;

“planning permission” means permission granted or deemed to have been granted under the Planning (Northern Ireland) Order 1991;

“quarter” means the period of three months beginning with the 1st January, 1st April, 1st July or 1st October in any year;

“statutory undertaker” has the same meaning as in the Planning (Northern Ireland) Order 1991;

“tree preservation order” means an order made under Article 65 of the Planning (Northern Ireland) Order 1991;

and references to the diameter of trees shall be construed as references to the diameter, measured over the bark, at a point 1.3 metres above the ground level.